



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,564	02/23/2004	Donald Blashka	P/121-2	8647

7590

12/02/2005

Philip M. Weiss, Esq.
Weiss & Weiss
300 Old Country Road
Suite 251
Mineola, NY 11501

EXAMINER

HARMON, CHRISTOPHER R

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,564

Applicant(s)

BLASHKA ET AL.

Examiner

Christopher R. Harmon

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities: "to see if correct amount of fluid" (line 2) is improper. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman (#5,201,164) in view of Foster et al (#6,063,226) in further view of Applicant's Admitted Prior Art.

Kaufman substantially shows the claimed subject matter including unwinding a supply roll (col 2 lines 35+), dispensing solution onto the sheet. Kaufman discloses a preferable method is using perforated tubes for wetting the sheets (col 2 lines 48+). Kaufman discloses that the sheet is slit into eight ribbons and folded into a z-fold configuration as an example (col 2 lines 60+). Kaufman discloses slitting the sheet and wrapping the folded webs by combining sheets into a sausage. The eight continuous webs are read on the eight ribbons slit. Kaufman does not show the s-wrap rollers or folding plates as claimed. However, Foster et al show the use of S-wrap rollers 54, 55, which feed the material evenly and continuously through the system (col 3 lines 60+). It would have been obvious to one of ordinary skill in the art at the time of the invention to

provide Kaufman with S-wrap rollers as taught by Foster et al to feed the material evenly and continuously.

Regarding the folding plates and type of fold configuration, such as, C, W or e fold configuration, it is considered admitted prior art by applicant that is well known in the art to use fold plates for folding as well as to form the particular fold configurations as claimed.

Regarding claim 9, Kaufman discloses that the liquid add-on was a certain weight percent based on the dry weight of the basesheet. Kaufman discloses that after the basesheet has been impregnated with the desired amount of liquid (col 2 lines 55+), the sheet is slit. This indicates that the desired amount of liquid for a passing basesheet is calculated according to its weight. Kaufman discloses monitoring the weight distribution (psi) of the compressed stack to specific amounts (Table column 4) using different sized footprints of compression plates; see column 3, lines 15-35. Because the on line compression of the stacks are for distributing the correct amount of solution between the individual folded sheets this step is considered "to see if the correct amount of fluid" has been dispersed; note defects in Table (column 4).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman (#5,201,164) in view of Foster et al (#6,063,226) as applied to claims 1-4, 6, and 9 above, and further in view of Beard (US 2003/0102239).

Kaufman discloses final packaging "as desired" (column 3, lines 9-10) however does not directly disclose dispensing packaging material and slitting score lines into packaging material. Beard teaches stacking personal hygiene products and wrapping

with packaging material 34 slitted with score lines/perforations 26; see figure 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the wrapping process of Beard in the modified invention to Kaufman for final packaging of the product.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman (#5,201,164) in view of Foster et al (#6,063,226) as applied to claims 1-4, 6 and 9 above, and further in view of Hedlund et al. (US 6,615,893).

Due to the applicant's traversal of the common modification taken in the previous rejection, the examiner relies upon the teachings of Hedlund et al. below. Kaufman discloses the preferred amount of liquid depending upon the basesheet and equilibrating the liquid between stacked clips (see column 1, lines 40-46 and column 2, lines 50-55), however does not directly disclose automatically adjusting the wetting solution by a control system to compensate for changing web speeds. Hedlund et al. teach an applicator 540 for adjusting the flow rate of a solution in response to changes in the speed of conveyor 460; see figure 5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include adjusting the flow rate of the solution in the modified invention to Kaufman in order to apply a desired amount according to the passing material.

Response to Arguments

6. Applicant's arguments, see page 4, filed 9/28/05, with respect to claim 5 have been fully considered and are persuasive. The previous rejection of claim 5 has been withdrawn.

7. The rest of applicant's arguments filed 9/28/05 have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kaufman clearly discloses folding the material "into the type of fold to be exhibited by the individual wipes" (column 2, lines 58-60) and then goes on to describe a z-fold "by way of example", thereby indicating other folding embodiments.

In response to applicant's argument that Kaufman and Foster are unrelated or that Foster is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The folding process of Kaufman is carried out by S-wrap rollers 54, 55; see above paragraph 3. Foster is also concerned with folding sheets of flexible material providing S-wrap rollers for a continuous operation, as

acknowledged by applicant (page 3, third paragraph). The particular problem each is concerned with is folding flexible sheets of material into a desired configuration. Both inventions involve using similar S-wrap rollers to perform this operation therefore the invention to Foster is considered reasonably pertinent to the particular problem of which the applicant is concerned ie. continuous folding via S-wrap rollers.

Regarding claim 4, Kaufman discloses cutting and forming "clips" of eight wipes.

The common knowledge modification in above paragraph 3 regarding the folding plates and configurations is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of Official Notice.

Regarding claim 9, the "weighing" step (ie. compressing with plate) of Kaufman is after the dispersion of the solution.

Conclusion

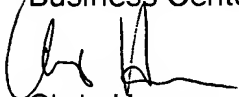
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Chris Harmon", is positioned above the printed name.

Chris Harmon
Patent Examiner